

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

JAMAA ANTHONY CINQUE,) 3:09-CV-00229-ECR-RAM
)
Plaintiff,) MINUTES OF THE COURT
)
vs.) DATE: August 18, 2010
)
BRIAN WARD, et al.,)
)
Defendants.)
_____)

PRESENT: _____ EDWARD C. REED, JR. _____ U. S. DISTRICT JUDGE

Deputy Clerk: _____ COLLEEN LARSEN _____ Reporter: _____ NONE APPEARING

Counsel for Plaintiff(s) _____ NONE APPEARING

Counsel for Defendant(s) _____ NONE APPEARING

MINUTE ORDER IN CHAMBERS

On July 28, 2010, the Magistrate Judge filed a Report and Recommendation (#27) recommending that Defendants' Motion to Dismiss (#14) be granted in part and denied in part.

Specifically, the Magistrate Judge recommends as follows:

- The claims asserted against Defendants under 42 U.S.C. § 1983 in their official capacities with respect to damages be dismissed with prejudice;
- The equal protection claims in Count I and II be dismissed without prejudice with leave to amend;
- The motion to dismiss as to the due process claims in Count I be denied without prejudice;
- The motion to dismiss for failure to exhaust administrative remedies with respect to Count II be denied.

The Magistrate Judge also recommends that the Motion to Strike (#20), filed by Plaintiff, be denied.

Plaintiff has filed Objections (#29) to the Report and Recommendation (#27). The Objections (#29) are without merit and the Report and Recommendation (#27) is well taken.

IT IS HEREBY ORDERED that the Report and Recommendation (#27) is **APPROVED** and **ADOPTED**.

IT IS, THEREFORE, HEREBY ORDERED that the Motion to Dismiss (#14) is GRANTED in part and DENIED in part in accordance with the Magistrate Judge's recommendation as set forth above.

IT IS FURTHER ORDERED that the Motion to Strike (#20) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall have twenty (21) days within which to file an amended complaint seeking to cure the deficiencies noted by the Magistrate Judge as set forth above.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk